

**TOWN OF VASS  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
January 13, 2014**

The Regular Meeting was called to order by Mayor Callahan at 7:30 p.m. Commissioners in attendance were: Blackwell, Bridgers, Callahan, Cirone and Kellis.

**A. Approval of Agenda**

Commissioner Kellis made a motion to approve the agenda and consent agenda as submitted. Motion carried unanimously.

**B. Consent Agenda**

Items approved by motion above:

1. Minutes of December 9, 2013 Regular Meeting.
2. Police Report for December 2013

**C. Public Comments**

No one signed up to speak.

**D. Discuss recommendations of the Planning Board.**

Approval of site plan for Little Caesars/Kangaroo. The Planning Board reviewed the site plan at its meeting of January 6 and recommended approval. Commissioner Bridgers made a motion to approve the plan which was carried unanimously.

**E. Discuss Conditional Use Permit violation and civil penalty - Klingenschmidt.**

Ruth Klingenschmidt said that her granddaughter, Amy Damone, was speaking on her behalf regarding the violation and civil penalty notice she received. Ms. Damone presented copies of a document entitled Reforestation Plan signed by Mrs. Klingenschmidt on January 13, 2014 to all the board members, the town attorney and the town clerk. She said this reforestation plan had been approved by the NC Forestry Service. She then read from a statement stating that the submission of this plan would satisfy the violation for not submitting a plan and claimed that handwritten comments submitted to the clerk in January, 2013 was in fact a reforestation plan. She then asked for a waiver of the civil penalty for the violation of the reforestation plan. She then went on to address the civil penalty for the required burning of the debris left on the property after the timber was cut. She claims that since the town took it upon themselves to apply for a burn permit from NCDENR in April, 2013 and never gave Mrs. Klingenschmidt a

copy or notice that the permit had been approved that it is not her fault that the debris burn never happened. She therefore asked for a waiver from the civil penalty for this violation and asked that a lien not be placed on the land. She did state that they are in the process of applying for a burn permit themselves and would have the property cleaned up by April 30, 2014.

The mayor and several commissioners responded to the request for a waiver of the penalties and to hold off on putting a lien on the property by saying that several extensions had already been given and even though she had not received notification that the burn permit had been granted because it had been applied for in the name of the logger and not Mrs. Klingenschmidt, she has known all along that she was ultimately responsible for cleaning up the property and if it did not happen, she was responsible and could sue Mr. Williams for breach of her contract. They said the lien is the town's only assurance that the work would actually be completed and at this time they were not willing to waive the penalties or stop the lien process. Ms. Damone was asked why it was important not to have a lien on the property between now and when the clean-up was completed, but did not offer an explanation.

Mayor Callahan asked if they could receive a copy of Ms. Damone's written comments so they could review her questions. She said she would see that the clerk received a copy. Commissioner Callahan again asked if the document entitled Reforestation Plan, as submitted, had been approved by the NC Forest Service as the town's zoning ordinance requires and her reply was yes, but she didn't have that with her. He requested that the town receive a copy of that approval.

**F. Discussion and possible approval of Zoning Ordinance text amendment.**

Commissioner Kellis made a motion to approve Ordinance Amending Sec. 9.6 of the Zoning Ordinance regarding Outside Storage of Motor Vehicles and Parts. Motion carried unanimously.

**G. Discussion and possible approval of Audit Contract.**

Cost of the audit contract with Lloyd McConnell will increase by 3.5% to \$9,630. Commissioner Bridgers made a motion to approve the contract. Motion carried unanimously.

**H. Discussion of possible easement or purchase of landlocked property.**

Town Administrator said that a realtor had asked if the town might be willing to grant an easement across their yard debris dump so that possible buyers could reach a piece of landlocked property. It was noted that the town already has an easement of its own to reach the yard debris dump and could not grant an easement to someone else to get to the yard debris dump. It was suggested that the realtor talk with the property owner who has given the town an easement directly and therefore an easement across the town's property would not be necessary. The town was also not interested in purchasing the property.

**I. Discuss possible appointment to the Planning Board.**

In response to the ongoing ad we have on the TV channel and the website, Mr. Wylie of Cordelia Way called to volunteer to serve on the Planning Board. We have been searching for someone to replace two board members. Commissioners said they would like to meet and talk with Mr. Wylie first. Town Administrator said she had called and left a message for Mr. Wylie reminding him of the meeting, but had told him it was not necessary that he attend the meeting and that is probably why he was not there. He would be called and asked to attend the next meeting if possible.

**J. Closed Session.**

Commissioner Blackwell made a motion to go into closed session to discuss pending litigation under N.C.G.S. 143.318.11(a)(3) on the Klingenschmidt case. Motion carried unanimously. Commissioner Cirone made a motion to come out of closed session.

The council returned to open session and reported that no action was taken in the closed meeting.

**ADJOURNMENT**

Commissioner Callahan made a motion to adjourn at 8:40 p.m. Motion carried unanimously.

TOWN OF VASS

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Henry E. Callahan, Mayor

ATTEST: \_\_\_\_\_  
Josephine E. Smith, CMC, Town Clerk